

**NORFOLK, VIRGINIA**  
**ACTION OF THE COUNCIL**  
**TUESDAY, MAY 19, 2015 – 7:00 P.M.**

Mayor Fraim called the meeting to order at 7:00 p.m.

Prayer offered by Councilman Paul Riddick, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

**Motion adopted.**

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

**CERTIFICATION OF CLOSED MEETING**

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective May 19, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

## **CEREMONIAL MATTERS**

President Fraim introduced Richard Fraley, Principal of Ruffner Middle School. Principal Fraley recognized Ruffner Middle Academy's Young Scholars and four students in Mrs. Beverly Butler's World Geography class who achieved a major global victory. Ms. Butler and her students were among the winners from 43 countries in an international essay competition entitled "My Vision for Sustainability Education." Based on their own experiences, students around the world were invited to share their personal visions for the future of sustainability education and their ideas on how to achieve them. The United States took three first-place wins – one student from Arkansas, one from Missouri (both high school students) and one from Ruffner Middle Academy Young Scholars: eighth-grader Maria Luzaran. Additionally, there were three honorable mentions for the United States, all from Ruffner Middle Academy Young Scholars: eighth-graders Melina Rice, Haven Dickinson, and Saorise Teevan-Kamhawi. All finalists will be invited to attend the debate portion of the competition July 7th – 10th, 2015, in Oxford, England, and they are busy raising money to fund their trip.

## **PUBLIC HEARINGS**

PH-1

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **EA's Little Blessing Learning Center**, for a change of zoning to modify the conditions on properties zoned Conditional C-1 (Limited Commercial) District on property located at **956-960 Berkley Avenue Extended**.

The applicant, Eily Anthony, 1513 Crystal Lake Drive, Portsmouth, was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to rezone properties located at **956 to 960 Berkley Avenue** extended in order to change conditions on properties zoned Conditional C-1 (Limited Commercial) District," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 19, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Norfolk Building Corp.**, for a change of zoning from C-1 (Limited Commercial) District to Conditional R-8 (Single-Family) District on property located at **901 Apex Street**.

The applicant, Jerry Miller, 1507 E. Bayview Boulevard, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance to rezone property located at **901 Apex Street** from C-1 (Limited Commercial) District to Conditional R-8 (Single-Family Residential) District,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 19, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-3

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Norfolk Building Corp.**, for a change of zoning from R-5 (Single-Family) District to Conditional R-8 (Single-Family) District on property located at **5857 Finney Street**.

The applicant, Jerry Miller, 1507 E. Bayview Boulevard, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance to rezone property located at **5857 Finney Street** from R-5 (Single-Family Residential) District to Conditional R-8 (Single-Family Residential) District,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 19, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-4

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Coastal Breeze Car Wash**, for a change of zoning from R-8 (Single-Family) District to Conditional C-2 (Corridor Commercial) District on property located at **7923 Glade Road**.

The applicant, Kent Winquist, 908 East Little Creek Road, and Elmer Tolle, Engineer, 770 Independence Circle, Virginia Beach, were present to answer questions. Mr. Winquist acknowledge the Crossroads Civic League that were present in support of this matter.

Peggy Russell, 1147 Elk Avenue, was present in favor of this matter but did not speak.

Thereupon, an Ordinance entitled, "An Ordinance to rezone property located at **7923 Glade Road** from R-8 (Single-Family Residential) District to Conditional C-2 (Corridor Commercial) District," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 19, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-4A

Thereupon, an Ordinance entitled, "An Ordinance granting a Special Exception to permit the operation of a car wash known as "**Coastal Breeze Car Wash**" on property located at **908 East Little Creek Road and 7923 Glade Road**," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 19, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-5

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, for a text amendment to Section 2-3, “Definitions,” and Chapter 22, “Variances,” in order to incorporate a different standard for approval as required by changes made in State Law.

Thereupon, an Ordinance entitled, “An Ordinance to amend Section 2-3 and Chapter 22 of the **Zoning Ordinance of the City of Norfolk, 1992**, **SO AS TO** incorporate a different standard for approval of a variance as required by changes made to State Law,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 1, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-6

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, for a text amendment to the City’s *Zoning Ordinance* to amend Table 6-A, “Table of Land Uses” for Commercial Districts to allow Adult Day Care Center as a permitted use in the C-3 (Retail Center) District.

Thereupon, an Ordinance entitled, “An Ordinance to amend and reordain Table 6-A of the **Zoning Ordinance of the City of Norfolk, 1992**, in order to allow “Day Care Center, Adult” as a permitted use in the C-3 (Retail Center Commercial) District,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 19, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-7

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Norfolk Redevelopment and Housing Authority**, for the closing, vacating and discontinuing of a rectangular lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being that portion of **Merrimac Avenue, lying northwest of Cary Avenue** and a triangular lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being that fillet portion of **Cary Avenue, lying northwest of Cary Avenue, due West of Merrimac Avenue.**

Kevin Wood, 613 Nottingham Drive, Virginia Beach, was present to answer questions in this matter.

Thereupon, an Ordinance entitled, “An Ordinance closing, vacating and discontinuing a portion of Merrimac Avenue and a portion of Cary Avenue in Broad Creek, and authorizing the conveyance of any interest in the said vacated portions of right-of-way to Norfolk Redevelopment and Housing Authority by Quitclaim Deed,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective June 19, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

PH-8

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Norfolk Collegiate School**, for the closing, vacating and discontinuing of a cul-de-sac portion of **Midfield Street**, lying north of Granby Park (M.B.7, P. 54) and north of a closed 10’ lane at the northern terminus of Midfield Street in Granby Park.

Jerry Young, 7309 Midfield Street, was present in favor of this matter but did not speak.

Thereupon, an Ordinance entitled, “An Ordinance to close, vacate and discontinue a portion of **Midfield Street**, to authorize the conveyance of any interest in the said vacated portion of street by Quitclaim Deed to Norfolk Collegiate School and authorize the acceptance of the sum of \$12,690.00 in consideration,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective June 19, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

## **REGULAR AGENDA**

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting **Cleo Ruby, Inc.** permission to encroach into the right of way of Boush Street at **150 West Main Street** approximately 345.83 square feet for the purpose of outdoor dining, and approving the terms and conditions of the **Encroachment Agreement**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 19, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the acceptance of a **Historical Data Cleanup Grant Award** of \$21,752 from Virginia Department of Environmental Quality for the collection of historical data on all known best management practices, and authorizing expenditure of \$21,752 for the **Water Quality Improvement Projects**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 19, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a **Virginia Sexual and Domestic Violence Victim Fund (VDVVF) Grant Award** of \$20,000 from the Virginia Department of Criminal Justice Services for the support of personnel costs for a program paralegal to assist in the prosecution of misdemeanor and felonies involving domestic violence, sexual abuse, stalking and family abuse and appropriating and authorizing the expenditure of the grant funds for payroll and medical benefit coverage expenses for the program employee,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 19, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting grant funds in the amount of \$135,545 from the **Commonwealth of Virginia, Department of Criminal Justice Services** to support the continuation of the **Violence Against Women V-STOP Program** and appropriating and authorizing the expenditure of \$46,392 in grant funds, \$51,113 in local cash match and a \$38,040 in-kind match for the Program,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 19, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving and adopting the **Fiscal Year 2016 Compensation Plan** for officers and employees of the city, amending and re-ordaining the **Norfolk City Code, 1979, as amended**, and approving criteria and procedures for pay supplements for certain Constitutional and State Officers and their employees,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 1, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance appropriating funds for **Operation of the City for the Fiscal Year beginning July 1, 2015 and ending June 30, 2016**, appropriating land acquisition/revolving fund balance appropriating U.S. Department of Housing and Urban Development (HUD) entitlement grants, authorizing short-term equipment financing, providing a pay supplement for certain eligible retirees, approving and designating a site for a public Mausoleum for the interment of the dead at Forest Lawn Cemetery and establishing prices for the Mausoleum, increasing the vehicle license fee, providing for a business license incentive program, updating parking codes, repealing utilities account service charges and regulating the payment of money from the City Treasury,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 1, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.



R-7

Letter from the City Manager and an Ordinance entitled, “ An Ordinance approving the **Capital Improvement Plan Budget for the Fiscal Year beginning July 1, 2015 and ending June 30, 2016**; appropriating \$155,505,200 for certain projects approved therein; authorizing an issue of bonds in the amount of \$136,030,896, of which \$4,430,424 is the reappropriation of previously authorized but unissued, bonds; and authorizing the expenditure of \$19,474,304 in cash, of which \$381,138 is the reappropriation of previously authorized cash,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 1, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance appropriating Grant Funds totaling \$52,003,544.00 to the **School Board of the City of Norfolk for Title I Programs**, other special programs and the School Nutrition Services Program and authorizing the expenditure of the funds in Fiscal Year 2016 for Norfolk Public Schools,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 1, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the **July 1, 2015 through June 30, 2016 Budget for the Norfolk Law Library**, authorizing the City Treasurer to make disbursements and appropriating and authorizing the expenditure of up to \$272,000.00 by the Norfolk Law Library from various sources including monies assessed and collected by the City as part of costs in Civil Court actions in accordance with the approved budget and the October 1, 1987 Agreement among the City, the Norfolk Law Library and the Norfolk and Portsmouth Bar Association,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 1, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance appropriating and authorizing the expenditure of \$6,237,603.00 from the Commonwealth of Virginia (“State”) for the **Fiscal Year 2016 Comprehensive Services Act for At-risk Youth and Families Funds Pool (“CSA”) Services**, of \$639,899.00 from the State Department of Juvenile Justice in support of the Virginia Juvenile Community Crime Control Act Program (VJCCCA”), appropriating and authorizing the expenditure in local matching funds for CSA of \$2,232,397.00 from the City of Norfolk through its Department of Human Services and \$300,000.00 from the School Board of the City of Norfolk, and \$639,899.00 in local matching funds for VJCCCA from the City of Norfolk,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 19, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-11

A Resolution entitled, “A Resolution appointing or reappointing 11 persons to 4 Boards, 2 Commissions, and 1 Authority for certain terms,” was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective May 19, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

## **NEW BUSINESS**

1. John McPhillips, 138 Rogers Avenue spoke regarding management at the Norfolk Public Library.
2. Donald Hornstein, 608 Colonial Avenue, #5, commented that he received no straight answers regarding his requests for information on 161 Granby Street until he filed an FOIA. He asked the code be enforced at this address.
3. Danny Lee Ginn, 3844 Dare Circle, commented that Dr. Whibley stated that she could not address any of his questions from the podium and stated that citizens of Norfolk pay council to do a job and should exchange good and open ideas at council meetings.